



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/420,033 10/18/99 SUTTON

D 9204-000002

EXAMINER

TM02/0807

HARNESS DICKEY & PIERCE PLC
PO BOX 828
BLOOMFIELD HILLS MI 48303

FULTS, R
ART UNIT PAPER NUMBER

2164
DATE MAILED:

08/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/420,033

Applicant(s)

SUTTON ET AL.

Examiner

Richard Fults

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-11 are rejected under 35 U.S.C. 102(a) as being unpatentable over Woolston (US 6,202,051 B1).

As to **Claim 1** Woolston discloses “A method for transacting a purchase between a buyer and a seller using a computer-implemented purchasing system, the purchasing system having at least two computing devices interconnected by a network, comprising the steps of:

offering an item for sale through the use of a purchase transaction manager, said purchase transaction manager residing on a first computing device interconnected to the network;

providing credit account information from the seller of said item to said purchase transaction manager;

receiving at least one acceptable bid on said item from a potential buyer, where each acceptable bid includes credit account information for the potential buyer;

determining a winning bid on said item by said purchase transaction manager, thereby identifying a buyer for said item;
and

transacting a purchase between the buyer and the seller using the credit account information from the buyer and the seller.” (see at least cols 1-4, col 5, lines 4-19, col

Art Unit: 2164

12, lines 30-67, col 13, line 1, col 20, lines 25-67, and cols 21-26, and in particular col 21, lines 1-22, col 22, lines 39-40, and all of col 23).

As to **Claim 2** Woolston discloses "The method of Claim 1 further comprises the step of providing transactional information for the item by the seller to said purchase transaction manager, where the transactional information includes a description of the item and a minimum bid amount for the item." (see response to claim 1 and col 20, lines 25-67, col 21, lines 1-22).

As to **Claim 3** Woolston discloses "The method of Claim 1 wherein the credit account information is further defined as a credit card number and an expiration date." (see response to claim 1).

As to **Claim 4** Woolston discloses "The method of Claim 1 wherein the step of transacting a purchase further comprises the steps of:

- communicating credit account information for the buyer and the seller to a credit card clearinghouse;

- debiting the buyer's credit account an amount which is not less than the amount of the winning bid;

- crediting said amount to the seller's credit account; and

- notifying at least one of the buyer and the seller of the transacted purchase between the buyer and the seller." (see response to claim 1).

As to **Claim 5** Woolston discloses "The method of Claim 1 further comprising the step of shipping the item by the seller to the buyer after the step of transacting the purchase between the buyer and the seller." (see response to claim 1).

As to **Claim 6** Woolston discloses "The method of Claim 1 wherein the step of transacting a purchase further comprises the steps of:

Art Unit: 2164

providing purchase transactional information to a purchase intermediary, the purchase transactional information includes credit card information for the buyer and the seller;

communicating credit account information for the buyer and the seller to a credit card clearinghouse;

debiting the buyer's credit account an amount which is not less than the amount of the winning bid;

crediting said amount to the seller's credit account; and

notifying at least one of the buyer and the seller of the transacted purchase between the buyer and the seller." (see response to claim 1).

As to **Claim 7** Woolston discloses "A computer-implemented purchasing system for transacting a purchase between a buyer and a seller, the purchasing system having at least two computing devices interconnected by a network, comprising:

a sellers application receptive of transactional information and residing on a first computing device, where the transactional information includes credit account information for the seller;

a purchase transaction manager operative to offer said item for sale in response to receiving the transactional information from said sellers application, said purchase transaction manager residing on a second computing device and being interconnected to said sellers application by the network;

said purchase transaction manager receptive of at least one acceptable bid on said item from a potential buyer, where each acceptable bid includes credit account information for the potential buyer, and operative to determine a winning bid on said item, thereby identifying a buyer for said item; and

said purchase transaction manager being further operative to transact a purchase between the buyer and the seller using the credit account information from the buyer and the seller." (see response to claim 1).

Art Unit: 2164

As to **Claim 8** Woolston discloses "The purchasing system of Claim 7 further comprising a buyers application receptive of bid information, where the buyers application resides on a third computing device and is interconnected to said purchase transaction manager by the network." (see response to claim 1).

As to **Claim 9** Woolston discloses "The purchasing system of Claim 7 wherein said transactional information from the seller further includes a description of the item and a minimum bid amount for the item." (see response to claim 1).

As to **Claim 10** Woolston discloses "The purchasing system of Claim 7 wherein said credit account information is further defined as a credit card number and an expiration date." (see response to claim 1).

As to **Claim 11** Woolston discloses "The purchasing system of Claim 7 further comprising a credit card clearinghouse receptive of credit card information from said purchase transaction manager, the credit card clearinghouse operative to debit the buyer's credit account an amount which is not less than the amount of the winning bid and to credit said amount to the seller's credit account." (see response to claim 1).

2. The prior art of record, although not cited above, is considered pertinent to one or more of the Applicant's claimed inventions:

US 6,240,396 B1 to Walker et al, which teaches his invention of both buyer and seller each providing full credit card information to a computer purchasing system prior to buyer bidding in any sales transaction between the two of them.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on every workday 8:30 to 5:00.

Art Unit: 2164

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached on 703-308-1065. The fax number for the organization where this application or proceeding is assigned is 703- 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is 703-305-3900.

RCF



August 31, 2001



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100